



STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)234-0906
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

December 22, 2015

Mr. William Springer
205 South Holloway Street
Sullivan, Indiana 47882

*Re: Formal Complaint 15-FC-310; Alleged Violation of the Open Door Law by
the City of Sullivan Clerk-Treasurer*

Dear Mr. Springer:

This advisory opinion is in response to your formal complaint alleging the City of Sullivan Clerk-Treasurer ("Clerk-Treasurer") violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 et. seq. The Clerk-Treasurer has responded via Ms. Angela Bullock, Esq. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on November 9, 2015.

BACKGROUND

Your complaint dated November 4, 2015 alleges the City of Sullivan Clerk-Treasurer violated the Open Door Law by conducting a meeting without proper notice and for discussing a salary ordinance.

On October 27, 2015 the City of Sullivan conducted a special meeting to vote on the city budget. You allege there was no notice posted at the meeting site nor was an agenda provided.

On December 7, 2015 the Clerk-Treasurer responded. Sullivan conducted two (2) special meetings on October 27, 2015. Counsel contends notice for both meetings was placed in the local paper but did not confirm if notice was posted at the meeting location.

ANALYSIS

It is the intent of the Open Door Law (ODL) the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. See Ind. Code § 5-14-1.5-1. Accordingly, except as

provided in section 6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. See Ind. Code § 5-14-1.5-3(a).

Ind. Code § 5-14-1.5-5(a) states that public notice of a meeting must be provided at least 48 hours in advance. Ind. Code § 5-14-1.5-5(b) requires notice be public and posted outside the principal office of public agency holding the meeting. Some public business requires additional notice sent to a paper of local circulation, however, this does not relieve the agency of posting notice at the actual location of the building *in addition to* publishing the notice in the paper.

Based on the facts provided, I cannot determine if a notice was placed outside the office of the Clerk-Treasurer. If notice was placed outside the office, then the Clerk-Treasurer's actions were valid. If no notice was placed, then there was a violation of the Open Door Law.

As for an agenda, if one is utilized by the governing body, it must be provided to the public at the time of the meeting. If one is not used, an agenda does not have to be provided. See Ind. Code § 5-14-1.5-4(a).

Please do not hesitate to contact me with any questions.

Regards,

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive, stylized manner.

Luke H. Britt
Public Access Counselor

Cc: Ms. Angela Bullock, Esq.